

Message Text

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PAGE 01 KAMPAL 02106 281839 Z

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TO SECSTATE WASHDC 2751

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SUBJECT: NEW SECURITY DECREE ISSUED: MILITARY TRIALS FOR
CIVILIAN OFFENSES

REF: KAMPALA 2088 (NOTAL)

SUMMARY. PRESIDENT AMIN SIGNED DECREE ON JUNE 27 PROVIDING FOR TRIAL OF CIVILIAN OFFENSES BY MILITARY TRIBUNAL. EARLIER DECREE HAD AUTHORIZED MILITARY TRIALS FOR OFFENSES AGAINST STATE AND PRESIDENT. NEW DECREE APPARENTLY AMENDS EARLIER ONE TO COVER ALL OFFENSES TRIABLE BY ORDINARY COURTS. END SUMMARY.

1. ACCORDING TO GOU ANNOUNCEMENT, OFFENSES TRIABLE BY MILITARY TRIBUNAL UNDER OLD DECREE (TERRORISM, INTIMIDATION, AND BLACK-MAIL BY GUERRILLAS) HAVE DECLINED, BUT OTHER CRIMINAL ACTIVITIES SUCH AS MURDER, RAPE, ROBBERY, AND IMPERSONATION OF ARMED FORCES OR GOVERNMENT OFFICIALS, HAVE INCREASED. THESE CRIMES HAVE RESULTED IN DEATHS, FEAR, GENERAL ALARM AND HAVE "REDUCED THE TEMPO OF THE ECONOMIC WAR." THE GOU "HAS BEEN BROUGHT INTO CONTEMPT AND HATRED" BECAUSE PEOPLE COMMITTING THESE CRIMES CLAIM TO BE, OR BLAME THEIR ACTS ON, GOU OFFICIALS.

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PAGE 02 KAMPAL 02106 281839 Z

NEW DECREE AUTHORIZING TRIAL BY MILITARY TRIBUNAL IS AIMED
AT REDUCING THESE CRIMES.

2. DECREE APPLIES TO CIVILIANS AND MEMBERS OF ARMED FORCES.

3. LEGAL ADVISER WILL BE ASSIGNED TO TRIBUNAL AND ITS VERDICTS
CAN BE APPEALED TO DEFENSE COUNCIL AND PRESIDENT. PRESIDENT
MAY ALTER OR OVERRIDE DECISIONS OF TRIBUNAL.

4. DEFENDENT CAN PRESENT DEFENSE, CALL WITNESSES AND CROSS-
EXAMINE. RECORDS OF PROCEEDINGS WILL BE KEPT.

5. PRESIDENT MUST AUTHORIZE ALL TRIALS BY MILITARY TRIBUNAL
AND MUST APPROVE ALL DEATH SENTENCES.

6. MEMBERS OF ARMED FORCES ARE SUBJECT TO PUNISHMENT DECIDED
ON BY TRIBUNAL AND ADDITIONAL PUNISHMENT UNDER ARMED FORCES ACT.

7. COMMENT: DECREE PURPORTS TO BE AIMED AT ELIMINATING CRIMES
COMMITTED BY ARMED FORCES AND GOU OFFICIALS, OR THOSE WHO IM-
PERSONATE THESE PEOPLE. THE DETERRENT UNDER THE NEW DECREE IS
SIMPLY THAT TRIALS BY MILITARY TRIBUNAL GENERALLY RESULT IN A
CONVICTION AND OFTEN A DEATH SENTENCE. THE CRIME/ SECURITY
PROBLEM IN UGANDA, HOWEVER, IS NOT ONE OF WHO GETS TRIED FOR WHAT,
OR BY WHAT COURT, OR HOW THEY ARE PUNISHED. THE PROBLEM IS MORE
ONE OF HOW OFTEN SOMEONE GETS CAUGHT AND CHARGED WITH ANY OF THE
FREQUENT CRIMES OF ARMED ROBBERY, CAR THEFT, BURGLARY, MURDER,
ABDUCTION, EXTORTION, ETC. ON RARE OCCASIONS WHEN SOMEONE IS
CAUGHT, IT MAKES HEADLINES IN LOCAL PRESS. HOWEVER, AS DECREE
CLEARLY MAKES ALL OFFENDERS SUBJECT TO JUSTIFIABLY FEARED
MILITARY JUSTICE, POLICE MAY, REPEAT, MAY NOW TAKE MORE
INITIATIVE TO APPREHEND CRIMINALS, CIVILIAN OR MILITARY.
WHETHER INITIATIVE RESULTS IN MORE ARRESTS, FEWER CRIMES, OR
MORE TRIALS, IS PROBLEMATICAL.
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